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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

OCCUPY TUCSON, an unincorporated
political organization; SAMUEL AGGER, a
single man residing in the City of Tucson;
CRAIG BARBER, a single man residing in
the City of Tucson; LEESA WORLEY, a
single woman residing in the City of
Tucson; KARLAREITH TERRY, a single
woman residing in the City of Tucson;
KASEE DWYER, a single woman residing
in the City of Tucson; GARY BRANSON, a
married man residing in the City of Tucson;
and, WILLIAM WARFIELD, a single man
residing in the City of Tucson,

Plaintiffs,

vs.

THE CITY OF TUCSON, a municipal
corporation of the State of Arizona;
TUCSON POLICE DEPARTMENT, a legal
entity of the City of Tucson; ROBERT
"BOB" WALKUP, in his official capacity as
Mayor of the City of Tucson; members of
the Tucson City Council in their respective
official capacities; RICHARD MIRANDA,
in his official capacity as Acting Tucson
City Manager; MICHAEL RANKIN, in is
official capacity as Tucson City Attorney;
FRED GREY, in his official capacity as

No.

**MOTION FOR TEMPORARY
RESTRAINING ORDER
AND PRELIMINARY
INJUNCTION**

1 director of City of Tucson Parks and)
2 Recreation Department; and ROBERTO)
3 VILLASEÑOR, in his official capacity as)
4 Chief of the Tucson Police Department,)

5 Defendants)
6 _____)

7 Plaintiffs, through counsel undersigned, and pursuant to Rule 65(a) and (b), asks this Court to
8 enter a Temporary Restraining Order, based on their Verified Complaint and the attached
9 Declaration of Counsel, and after a hearing, a Preliminary Injunction, restraining and enjoining
10 Defendants, their officials, officers, agents, employees, contractors, and any other persons acting for
11 them, with them, through or on their behalf, from enforcing the provisions of Section 12 of the
12 Tucson City Code, and/or law or ordinance to prohibit the same from picketing, protesting, speaking,
13 leafleting, assembling, or otherwise peacefully engaging in expressive activity protected by the First
14 Amendment to the United States Constitution and Article 2§5 of the Arizona Constitution, in
15 Armory Park, Viente de Agosto Park or on any public land in the City of Tucson,

16
17 REPECTFULLY SUBMITTED this 7th day of November 2011.
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19

20 s/Paul Gattone
21 Paul Gattone
22 Attorney for Plaintiffs

23 s/Guy Keenan
24 Guy Keenan
25 Attorney for Plaintiffs
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director of City of Tucson Parks and
Recreation Department; and ROBERTO
VILLASEÑOR, in his official capacity as
Chief of the Tucson Police Department,

Defendants.

No.

**PROPOSED TEMPORARY
RESTRAINING ORDER**

1 This matter is before the Court on the Plaintiffs' Motion for Temporary Restraining Order
2 and, after thorough consideration, the Court finds that the motion is well taken and should be
3 granted. The Defendants are hereby enjoined from enforcing Tucson City Code § 21 as it applies to
4 Plaintiffs' occupation of Viente de Agosto Park in Tucson, Arizona. Defendants are further directed
5 that they are enjoined from taking any actions to expel Plaintiffs, and are to cease issuing tickets to
6 Plaintiffs for being in the park between the hours of 10:30pm until 6:00am.
7

8 The matter is to be set for a hearing on a request for preliminary injunction by agreement of
9 the parties and the Court within ____ days of this order or at such other time as the parties may
10 agree. Defendants' opposition to the motion shall be filed no less than ____ days prior to the hearing
11 and Plaintiffs' reply thereto no less than ____ days before the hearing.
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15 DATED:
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19 _____
20 Judge of the Federal Court
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